

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:10-cv-210

WILLIAM NORKUNAS,)
)
 Plaintiff,)
)
 v.)
)
 PARK ROAD SHOPPING CENTER, INC.,)
)
 Defendant.)
 _____)

DEFENDANT'S MOTION TO DISMISS
(Fed. R. Civ. P. 12(b)(1))

Defendant Park Road Shopping Center, Inc. ("PRSC") hereby moves the Court to dismiss the Plaintiff's Complaint with prejudice for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure as the Plaintiff lacks the requisite standing to bring this lawsuit under Article III, Section 2 of the United States Constitution and the Americans with Disabilities Act. The grounds upon which this Motion is based are set forth in detail in the Defendant's Memorandum of Law filed contemporaneously herewith.

This the 2nd day of December, 2010.

s/G. Bryan Adams, III

G. Bryan Adams, III (N.C. Bar No. 17307)

Philip M. Van Hoy (N.C. Bar No. 5869)

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CERTIFICATE OF SERVICE

The undersigned counsel of record for Defendant hereby certifies that he has served a copy of the foregoing MOTION TO DISMISS on Plaintiff's counsel of record in this action by Email and by depositing a copy of same in the United States Mail, postage prepaid, addressed as follows:

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This 2nd day of December, 2010.

s/G. Bryan Adams, III
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